

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HP TUNERS, LLC, a Nevada limited liability
company,

Plaintiff,

vs.

KEVIN SYKES-BONNETT and SYKED
ECU TUNING INCORPORATED, a
Washington corporation,

Defendants.

No. 3:17-cv-05760 BHS

**SECOND DECLARATION OF KEVIN
SYKES-BONNETT IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S RENEWED
EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER**

I, Kevin Sykes-Bonnett, hereby declare as follows:

1. I am over the age of 18, of sound mind and fully capable of making this declaration. I submit that this declaration is based on personal knowledge, following a reasonable investigation into the statements appearing below. If called upon as a witness, I could and would competently testify to the truth of each statement herein.

2. As stated by Ken Cannata in his declaration, in 2016 he provided me with a USB drive that included a "key generator" that would allow me to generate for myself credits that I could use in satisfaction of the payment that was owed to me for certain technical documents that I had provided to HPT.

3. At first, I only used the "key generator" to generate license keys for myself. However, over time I did in fact use the key generator to generate license keys for a select few

1 individuals, such as a few of my friends, whom I trusted not to spread it around that I was in
2 possession of the program. I did not make widespread use of the key generator.

3 4. None of HPT's proprietary source code has ever been incorporated into any of
4 Syked Tuning's software.

5 5. If the Court were to grant the relief requested by HPT in its motion, it would be a
6 catastrophic blow to me personally and to my family as my family relies on my income from
7 sales of Syked Tuning software to satisfy our living expenses.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct.

10 Executed on August 20, 2018 at Seattle, Washington.

11
12
13 _____
Kevin Sykes-Bonnett

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2017 I electronically filed the above with the Clerk of the Court using the CM/ECF system. In accordance with their ECF registration agreement and the Court's ruling, the Clerk of the Court will send email notification of such filing to the following persons:

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☒ by CM/ECF
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☐ by Facsimile Transmission
☐ by First Class Mail
☐ by Hand Delivery
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☐ by Hand Delivery
☐ by Overnight Delivery

Executed on August 20, 2018.

s/John Whitaker
John Whitaker